

**ADJOURNED MEETING OF THE COUNTY BOARD**  
**August 18, 2009**

The Board of County Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m. Tuesday, August 18, 2009. Members present: Shoff, Mathiason, Belshan, Tuttle and Nelson.

Commissioner Tuttle offered the following motion;

**MOVED**, approving the minutes from the August 4, 2009 regular board meeting and the August 11, 2009 budget workshop meeting.

Motion seconded by Commissioner Nelson

After discussion, a vote was taken and the Chair declared the motion unanimously approved.

Commissioners reported on meetings attended.

Public comments: John Gunderson addressed issues with the DNR in lieu of taxes in Nunda Township.

Scott Truesdell asked the Commissioners to participate in the Ryan Truesdell 3<sup>rd</sup> Memorial Weekend.

Commissioner Mathiason offered the following resolution:

**RESOLUTION 09-160**  
**COUNTY DITCHES**

**RESOLVED, RESOLVED**, that the County board does hereby authorize and instruct the County Ditch Inspector to engage the necessary labor and equipment to spray the following ditches: County Ditch No. 30, CD31, CD 63, CD 65, CD 71, CD11, CD77, CD 54, CD68, CD 82, CD 49 and Judicial Ditch No. 18, JD 12, JD 27, JD 30, JD 28, JD 21.

Resolution seconded by Commissioner Nelson.

After discussion, a vote was taken and the Chair declared the resolution adopted. Commissioner Belshan abstained from County Ditch #71 and Commissioner Mathiason abstained from County Ditch 54.

Commissioner Nelson offered the following motion;

**RESOLUTION # 09-161**  
**RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT FOR HARMONY PARK**

**Resolved** that pursuant to the provisions of the County of Freeborn Zoning Ordinance No. 15, Article #6 Section #3 Subd. 16 and Article 23 an Interim Use Permit be and is hereby granted to Harmony Park for expansion, on the following described property:

79503 298<sup>th</sup> ST. Clarks Grove, MN 56016

**Be it further resolved**, that said Conditional Use Permit be subject to the conditions herein setforth:

1. Noise limits shall be a maximum of the Minnesota Pollution Control Agencies Rule #7030 limits measured within 100' of an affected neighboring residence.
2. Within 72 hours of an event, litter shall be policed from 283<sup>rd</sup> ST and 1 mile either direction on County 45.
3. Owner/operator shall cooperate with the local road authority on road maintenance and upkeep.
4. Owner/operator shall employ a reputable, insured security firm to be on duty for events.
5. Directional speakers shall be utilized for every event.

6. All noise from bands or any electronic equipment shall be silenced at 1 AM weekends and Holidays and 10 PM weeknights.
7. Permit includes present building layout including shower building constructed in 2009.
8. Addition of a 55' x 85' pavilion.
9. Any fence over 6' high shall meet Minnesota State Building Code.
10. Owner/Operator shall pay for one Freeborn County Sheriff's deputy 6 hours per day for any event with over 500 attendees.
11. Owner shall maintain and upgrade septic system as required by County Ordinance.
12. A two row sound break of trees shall be planted in a variety and method approved by the Freeborn County Environmental Services Department.
13. This Interim Use Permit shall expire December 31, 2010. The re-application fee in the amount of \$400 shall be waived.
14. This facility may not be extended or expanded without review and approval of the Freeborn County Board of Commissioners.
15. This permit may be revoked by the Freeborn County Board of Commissioners at a public hearing to be held after 30 days notice is given for failure to comply with the provision of this permit.

Resolution seconded by Commissioner Belshan.

After discussion, a vote was taken and the Chair declared the resolution unanimously adopted.

Commissioner Belshan offered the following motion;

**MOVED**, authorizing the building agreement with Michael and Nicole Eckstrom and Freeborn County.

Motion seconded by Commissioner Mahtiason.

After discuss, a vote was taken and the Chair declared the motion approved.

Commissioner Tuttle offered the following resolution;

**RESOLUTION 09-162  
CSAH 18 RAIL CROSSING**

**BE IT RESOLVED**, that the County of Freeborn enter into an agreement with the Union Pacific Railroad Company and the Commissioner of Transportation for the installation and maintenance of railroad crossing signals at the intersection of Broadway Avenue (CSAH 18) with the tracks of the Union Pacific Railroad Company in Albert Lea, Minnesota, and appointing the Commissioner of Transportation agent for the County to supervise said project and administer available Federal Funds in accordance with Minnesota Statute, Section 161.36. The County's share of the cost shall be 10 percent of the total signal cost.

**BE IT FURTHER RESOLVED**, that the County Board Chairman and County Administrator are hereby authorized to execute said agreement and any amendments thereto for and on behalf of the County.

Resolution seconded by Commissioner Mathiason.

After discuss, a vote was taken and the Chair declared the motion adopted.

Commissioner Tuttle offered the following resolution;

**RESOLUTION 09-163  
REQUEST TO RESERVE ADVANCED FUNDING**

**WHEREAS**, the County of Freeborn is planning to implement County State Aid Street Project(s) in 2009 which will require State Aid funds in excess of those available in its State Aid Regular Construction Account, and

**WHEREAS**, said County is prepared to proceed with the construction of said project(s) through the use of an advance from the County State Aid Construction Fund to supplement the available funds in their State Aid Regular Construction Account, and

**WHEREAS**, the advance is based on the following determination of estimated expenditures:

Account Balance as of date 8/4/2009	<u>\$ 2,917,081.74</u>
Less estimated disbursements:	
Project # SAP 024-619-011	\$ 397,675.23
Project # SAP 024-621-004	\$ 420,555.55
Project # SAP 024-628-007	\$ 823,130.40
Project # SAP 024-631-013	\$ 841,033.17
Project # SAP 024-634-018	\$ 1,369,675.33
Bond Principle (if any) \$	
Project Finals (overruns-if any)	\$ 11,184.80
Other \$ _____	_____
Total Estimated Disbursements	<u>\$ 3,863,254.48</u>
Advance Amount (amount in excess of acct balance)	<u>\$ -946,172.74</u>

**WHEREAS**, repayment of the funds so advanced will be made in accordance with the provisions of Minnesota Statutes 162.08, Subd. 5 & 7 and Minnesota Rules, Chapter 8820, and

**WHEREAS**, the County acknowledges advance funds are released on a first-come-first-serve basis and this resolution does not guarantee the availability of funds.

**NOW, THEREFORE**, Be It Resolved: That the Commissioner of Transportation be and is hereby requested to approve this advance for financing approved County State Aid Highway Project(s) of the County of Freeborn in an amount up to \$ 946,172.74 in accordance with Minnesota Rules 8820.1500, Subd. 9. I hereby authorize repayments from subsequent accruals to the Regular/Municipal Construction Account of said County from future year allocations until fully repaid.

Resolution seconded by Commissioner Belshan.

After discussion, a vote was taken and the Chair declared the resolution unanimously adopted.

Commissioner Belshan offered the following motion;

**MOVED**, authorizing the change to the 2010 Budget Calendar for the public hearing to be held on December 3, 2009.

Motion seconded by Commissioner Tuttle.

After discussion, a vote was taken and the Chair declared the motion unanimously approved.

Administrator John Kluever presented the board with an estimate to upgrade the microphone system for the board room. This item will be discussed at a later date.

Commissioner Tuttle offered the following resolution:

**RESOLUTION 09-164  
RESOLUTION ACCEPTING THE HOMELAND SECURITY PERFORMANCE GRANT**

**WHEREAS**, the Freeborn County Board of Commissioners accepts grants from Federal and State agency from time to time, and

**WHEREAS**, the Sheriff's Department has applied for the Emergency Management Performance Grant 09, from the Minnesota Department of Public Safety,

**WHEREAS**, the amount of the grant is \$20,249.00,

**NOW THEREFORE**, be it resolved that Freeborn County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 299.01, subdivision 2 (4), and authorizes the Freeborn County Board Chair and the County Administrator to sign the Grant Agreement with the Minnesota Department of Public Safety.

Resolution seconded by Commissioner Nelson.  
After discussion, a vote was taken and the Chair declared it unanimously adopted.

Commissioner Tuttle offered the following motion;

**MOVED**, accepting the 2008 Annual Report of the Highway Engineer.

Motion seconded by Commissioner Mathiason.  
After discussion, a vote was taken and the Chair declared the motion unanimously approved.

Commissioner Mathiason offered the following resolution;

**RESOLUTION 09-165  
APPROVAL OF CLAIMS**

**RESOLVED**, that the following claims be allowed and paid on August 21, 2009.

<u>FUND</u>	<u>NAME</u>	<u>AMOUNT</u>
01	General Fund	\$ 285,535.36
03	County Road & Bridge	\$ 1,210,329.57
05	Human Services	\$ 99,047.11
31	Capital Improvements Fund	\$ 5,490.56
40	County Ditches	\$ 26,918.22
73	Payroll Clearing Fund	\$ 1,647.76
	TOTALS	\$ 1,628,968.58

**GENERAL FUND**

A VIADS LLC 15,415.48, ALBERT LEA SCHOOL DISTRICT 24 1,863.13, ALBERT LEA TRIBUNE 2,017.60, ALLIANT ENERGY/IPL 694, ALLIANT ENERGY 810.79, ALLIANT ENERGY/IPL 6,944, AMERICAN INSTITUTIONAL SUPPLY 4,422.05, ARROW PRINTING 377.10, BAUER BUILT TIRE CERENTER INC 353.26, BENDER AND CO INC MATTHEW 982.50, CITY OF ALBERT LEA 11,830.44, CITY OF ALBERT LEA 1,135.83, CITY & COUNTY EMPLOYEES FEDER 17,497.36, CHRIS LARSON CONSTRUCTION 3,915, CLEAN PLUS INC 519.85, COLE PAPER INC 1,217.47, COMMISSIONER OF REVENUE 11,117.01, CRESENT ELECTRIC SUPPLY CO 466.70, D&T VENTURES LLC 1,449, DISTAD DENNIS 2,945.32, DISTAD DENNIS 30,802.90, GOLDMAN STURTZ & HALVORSEN CH 1,086.70, GREAT KIDS INC 364, HEALTH PROFESSIONALS LTD 11,958.55, HIMEC 581.50, IBM CORP 395, JIMS ITS 1,560, JONES HAUGH & SMITH INC 1,669.70, KARLS CARQUEST AUTO 549.85, KYLLO JAMIE 1,594.43, MANPOWER INC 504.81, MN CHILD SUPPORT PAYMENT CENTER 1,335.26, MN ELEVATOR INC 487.81, MN NCPERS LIFE INSURANCE 441, MN STATE BAR ASSN 425, NACO/MIDWEST NATIONWIDE RETIREMENT 8,756.92, NORTHSTAR POWERSPORTS INC 389.02, PARAGON PRINTING AND MAILING 2,999.49,

PETERSON SAVELKOUL & BENDA 374.12, POWER 96 704.50, PUBLIC EMP RETIREMENT ASSN 42,450.43, QUILL CORP 354.81, REGENTS OF THE UOFM 3,155.79, SEMCAC 1,215, SEVERTSON MICHELLE 1,113.75, SOUTH DAKOTA SAFETY COUNCIL 1,000, SOUTHEAST MECHANICAL INC 825.20, STANELEY CONVERGENT SECURITY S 1,030.80, STATE OF MN BCA 660, STATE OF MN BCA 305, TRI STATE BUSINESS MACHINES 1,002.19, WASTE MANAGEMENT OF SOUTHERN MN 1,714.87, WEST PAYMENT CENTER 2,060.49, WELLS FARGO 6901.73, WELLS FARGO BANK 7,837.12, WELLS FARGO BANK 28,581.20, WELLS FARGO BANK 22,119.54, ZACK JONES AND MAGNUS 2,936.15.

**COUNTY ROAD & BRIDGE**

A&P SERVICE INC 310.75, CITY & COUNTY EMPLOYEES FEDER 6,098.84, COMMISSIONER OF REVENUE 2,667.58, CONTINENTAL RESEARCH CORP 487.15, DISTAD DENNIS 738.04, DISTAD DENNIS 6,529.82, EARL F ANDERSEN INC 5,188.78, ELLINGSON COMPANIES 18,770, FASTENAL CO 343.35, FREEBORN MOWER COOPERATIVE SE 1,222, FULL ALARM FIRE EQUIPMENT 805.06, HANCOCK CONCRETE PRODUCTS INC 12,844.46, HANSON TIRE SERVICE INC 324.02, KARLS CARQUEST AUTO 354.83, KNOTSON OIL COMPANY 18,915.11, KRIS ENGINEERING INC 15,623.42, METAL CULVERTS INC 7,531.57, MN CHILD SUPPORT PAYMENT CENTER 1,049.78, MN DEPT OF REVENUE 928.18, MN POLLUTION CONTROL AGENCY 800, MINNOWA CONSTRUCTION INC 30,733.37, MORREIM DRAINAGE INC 1,030, NACO/MIDWEST NATIONWIDE RETIRE 2,401, NEENAH FOUNDRY COMPANY 364.94, OLSEN COMPANIES 466.56, PUBLIC EMP RETIREMENT ASSN 7,918.52, SORENSON BROS INC 7,065.47, ULLAND BROS INC 1,038,193.25, WELLS FARGO 1,531.32, WELLS FARGO BANK 1,734.98, WELLS FARGO BANK 7,418.38, WELLS FARGO BANK 5,733.22, ZIELGER INC 1,578.47.

**HUMAN SERVICES**

AFSC & ME 1,331.42, CITY & COUNTY EMPLOYEES FEDER 6,988.92, COMMISSIONER OF REVENUE 5,516.61, DISTAD DENNIS 17,658.48, DISTAD DENNIS 1980.82, MN CHILD SUPPORT 485.92, NACO/MIDWEST NATIONWIDE RETIRE 9190.81, PUBLIC EMP RETIREMENT ASSN 18,214.41, WELLS FARGO 4,683.60, WELLS FARGO BANK 3,987.30, WELLS FARGO BANK 17,049.04, WELLS FARGO BANK 11,482.26.

**CAPITAL IMPROVEMENTS FUND**

ADVANCED BAR CODE SOLUTIONS INC 481.88, CORNERSTONE MASONRY 1,471, CORNERSTONE MASONRY 876, IBM CORPORATION 1,608.69, TRADING POST 785.82.

**COUNTY DITCHES**

CHRISTIAN AND PERERSON PA 3,087, FREEBORN CONSTRUCTION INC 18,610.05, OLSON EXCAVATING 3,250.25, SPRAY SOLUTIONS 1,778.75.

**PAYROLL CLEARING FUND**

ASSURANT EMPLOYEE BENEFITS 1,647.76.

Number of Claims not exceeding \$300.00 – 109  
Dollar amount of claims not exceeding \$300.00 - \$ 10,881.05

Resolution seconded by Commissioner Nelson.  
After discussion, a vote was taken and the Chair declared the resolution unanimously adopted.

Chair, Commissioner Shoff adjourned the meeting until 8:30 a.m. on September 1, 2009.

By: \_\_\_\_\_  
Christopher Shoff  
Chair of the County Board

Attest: \_\_\_\_\_  
John Kluever  
Administrator